IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 69 OF 2006.

Ms.Sabnam Allauddin Pathan. ... Appellant.
Versus.
Hafizulla Mohammed Shafi Pathan. ... Respondent.

Ms.D'Souza i/by M/s.M.P.Vashi & Associates for the Appellant.

CORAM : ABHAY S.OKA, J.

DATED : 31st MARCH, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Appellant. Averments made in paragraph 6 of the Civil Application No.2583 of 2005 show that the suit filed by the Appellant was under section 6 of the Specific Relief Act, 1963. Even from the issues which are framed it appears that the suit was under section 6.

2. In view of this position the First Appeal is not maintainable and the Appeal is dismissed as not maintainable. The Appellant will be free to adopt appropriate proceedings for challenging the impugned Judgment and Decree. The Appellant will be entitled to the refund of Court fees as per the Rules.

Judge.